

REMARKS

[0010] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-5, 7-9, 12-23, and 25-31 are currently pending.
- No claims are canceled herein.
- No claims are withdrawn herein.
- Claims 23 and 28 is amended herein.
- No new claims are added herein.

Cited Documents

[0011] The following documents have been applied to reject one or more claims of the Application:

- **Horn:** *Horn*, U.S. Patent Application No. **2004/0177319**
- **Ortega:** *Ortega, et al.*, U.S. Patent No. **6,489,968**

§ 102 Rejections

[0012] Claims 1-5, 7-9, 12-23, and 28-31 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Horn. Applicant respectfully traverses the rejection.

Independent Claims 1 and 28

[0013] Applicant submits herein that Horn does not anticipate independent claims 1 and 28 for at least the reason that Horn does not show or disclose the following features (with emphasis):

- and wherein the discretized states include a packed state that, when assigned, causes data items in a grouped category to be displayed under a singular icon ***when viewed from any folder which contains at least one of the data items in the grouped category*** (Claim 1)

- displaying a group of data items under a singular icon in the display **when the group is viewed from any folder within the hierarchical structure that contains at least one of the data items in the group of data items**, when the group of data items is determined to be associated with the packed state (claim 28)

[0014] The Examiner states the following to reject this claim (Action, pp. 3-4):

"...the discretized states include at a packed state that, when assigned, causes data items in a grouped category to be displayed under a singular icon when viewed from any folder which contains at least one of the data items in the grouped category (paragraphs 0282, [container C can be a folder], 0285, [the set of collections to which each object belongs is added to a result set], 0286, [a new container is created], 0287, [for each collection A in the result set, a new proxy collection P is created, where-by the contents of each P is simply the objects in C that are also in the collection A], 0288, [the container now contains the set of proxy collections], figure 22, [the proxy proxy collections are represented on the left side as icons], [This means that a container C can contain a subset of another collection A. When a reference view of container C is created, an icon representing the subset of collection A that also resides in C is created. **This icon can be selected and the intersection of the contents of container C and collection A can be viewed.**])..."
(emphasis added)

[0015] During the interview of 1/11/10, Applicant asserted that at best Horn suggests that the contents of collection A and container C are only ever shown in one view (as indicated by the emphasized text above), whereas the claim specifically recites "viewed from any folder". Applicant notes the Examiner was not able to refute this assertion.

[0016] Consequently, Horn does not disclose all of the elements and features of these claims. Accordingly, Applicant submits that Horn does not anticipate these claims, and respectfully requests that the rejection of these claims be withdrawn.

Dependent Claims 2-3, 7-9, and 12-23

[0017] Claims 2-3, 7-9, and 12-23 ultimately depend from independent claim 1. As discussed above, claim 1 is not anticipated by the cited document, and is therefore allowable over the cited document. Therefore, claims 2-3, 7-9, and 12-23 are also allowable over the cited document of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Dependent Claims 29-31

[0018] Claims 29-31 ultimately depend from independent claim 28. As discussed above, claim 28 is not anticipated by the cited document, and is therefore allowable over the cited document. Therefore, claims 29-31 are also allowable over the cited document of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

§ 103 Rejections

[0019] Claims 25-27 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Horn and Ortega. Applicant respectfully traverses the rejection.

Independent Claim 25

[0020] Applicant submits that the Office has not made a *prima facie* showing that independent claim 25 is obvious in view of the combination of Horn and Ortega. Applicant submits that the combination of Horn and Ortega does not teach or suggest at least the following features of this claim, as amended (with emphasis added):

- when the state is determined to be in a packed state, the displaying means causes the data items in the subset to be displayed under a singular icon
when viewed from any directory location which contains at least one of the data items in the subset

[0021] The Office, relying on Horn, states the following to reject this claim (Action, pp. 12-13):

"...when the state is determined to be in a packed state the displaying means causes the data items to be displayed under a singular icon when viewed from any directory location which contains at least one of the data items in the subset (paragraphs 0282, [container C can be a folder], 0285, [the set of collections to which each object belongs is added to a result set], 0286, [a new container is created], 0287, [for each collection A in the result set, a new proxy collection P is created, where-by the contents of each P is simply the objects in C that are also in the collection A], 0288, [the container now contains the set of proxy collections], figure 22, [the proxy proxy collections are represented on the left side as icons], [This means that a container C can contain a subset of another collection A. When a reference view of container C is created, an icon representing the subset of collection A that also resides in C is created. ***This icon can be selected and the intersection of the contents of container C and collection A can be viewed.***])..." (emphasis added)

[0022] Here, as for claims 1 and 28, Applicant notes that during the interview of 1/11/10, Applicant asserted that at best Horn suggests that the contents of collection A and container C are only ever shown in one view, whereas the claim specifically recites "viewed from any directory location". Applicant notes the Examiner was not able to refute this assertion.

[0023] Furthermore, Applicant here reiterates that Ortega is not cited as curing and does not cure this deficiency from Horn.

[0024] Consequently, the combination of Horn and Ortega does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 26-27

[0025] Claims 26-27 ultimately depend from independent claim 25. As discussed above, claim 25 is allowable over the cited documents. Therefore, claims 26-27 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Conclusion

[0026] In light of the forgoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited. Should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, they are invited to telephone or e-mail the undersigned.

[0027] In addition, it is believed that all of the pending claims have been fully addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

[0028] Finally, nothing in this communication should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this communication, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Respectfully Submitted,

Lee & Hayes, PLLC
Representative for Applicant

_____/Randall T. Palmer 61440/
Randall T. Palmer
(randy@leehayes.com; 509-944-4761)
Registration No. 61,440

Dated: _____ 02/17/10 _____

Rob Peck
(robp@leehayes.com; 206-876-6019)
Registration No. 56,826